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U.S. Bank, N.A., as Trustee for Lehman Brothers Small Balance
Commercial Mortgage Pass-Through Certificates, Series 2007-3

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:

Maria Villarreal Camacho,
Debtor,

CASE NO. 12-35648

DC No.: MDM-001

Chapter 7

U.S. Bank, N.A., as Trustee for
Lehman Brothers Small Balance
Commercial Mortgage Pass-Through
Certificates, Series 2007-3,

Movant,

v.

Maria Villarreal Camacho, Debtor, and
Sheri L. Carello, Trustee,

Respondents.

**MOTION FOR RELIEF FROM AUTOMATIC STAY PURSUANT
TO 11 U.S.C. § 362(d)(1), (2) and (4)**

DATE, TIME & PLACE OF HEARING:

OCTOBER 30, 2012, 9:30 A.M.

501 I STREET, SIXTH FLOOR, DEPARTMENT C, COURTROOM 35,
SACRAMENTO, CALIFORNIA – JUDGE CHRISTOPHER M. KLEIN

**TO THE HONORABLE CHRISTOPHER M. KLEIN, UNITED STATES
BANKRUPTCY COURT JUDGE, THE DEBTOR, THE CHAPTER 7 TRUSTEE, THE
UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:**

U.S. Bank, N.A., as Trustee for Lehman Brothers Small Balance Commercial Mortgage Pass-Through Certificates, Series 2007-3 (“Movant”), hereby files a Motion for Relief From Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1), (2) and (4) (the “Motion”) in the above-captioned Chapter 7 case. The United States Bankruptcy Court for the Eastern District of California has jurisdiction over this Motion pursuant to 28 U.S.C. §157. Said Motion is a core proceeding as defined in 28 U.S.C. §157.

The Motion seeks relief from the automatic stay imposed by 11 U.S.C. §362(a) without further hearing by this Court, to allow Movant to enforce its state court remedies against real property and improvements owned by debtor Maria Villarreal Camacho (“Debtor”) located at 21650 Manning Ave., San Joaquin, CA 93660 (the “Property”), including, without limitation, the right to proceed with a non-judicial foreclosure of the Property under the terms of California state law and the applicable loan documents. The Motion is made pursuant to 11 U.S.C. § 362(d)(1) for cause based on Debtor’s lack of good faith in filing the instant case. The Motion is also made pursuant to 11 U.S.C. § 362(d)(2), because there is no equity in the Property. The Motion is also made pursuant to 11 U.S.C. § 362(d)(4) on the grounds that the instant case was filed by Debtor on August 28, 2012 as part of a scheme to delay, hinder, and defraud Movant.

The evidence shows that Debtor’s husband, and co-owner of the Property, Pedro Zarate (“Zarate”), filed five (5) voluntary bankruptcy petitions in this Court beginning on October 3, 2008. Each case filed by Zarate was dismissed, and his last case was dismissed on September 11, 2012. Zarate brought a motion in his last case to impose the automatic stay with respect to the Property, which was denied on May 16, 2012. Movant asserts that Debtor lacked good faith in filing the instant case on August 28, 2012, such that relief from the automatic stay should be granted pursuant to 11 U.S.C. § 362(d)(1). Movant also asserts that the instant case was filed by Debtor as part of a scheme to delay, hinder, and defraud Movant, such that relief from the automatic stay should be granted pursuant to 11 U.S.C. § 362(d)(4). The evidence also shows

1 that there is no equity in the Property, such that relief from the automatic stay should be granted
2 pursuant to 11 U.S.C. § 362(d)(2).

3 Movant bases this Motion on the Notice of Motion, the Memorandum of Points and
4 Authorities, Movant's Request for Judicial Notice, Movant's Relief From Stay Information
5 Sheet, the Declaration of Ana L. Rodriguez together with the Exhibits filed concurrently with
6 this Motion, and upon such further oral or documentary evidence as may be submitted by
7 Movant and accepted by the Court at the hearing on said Motion.

8 Dated: October 15, 2012

9 BELZER, HULCHIY & MURRAY

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11 By: /s/ Michael D. Mandell
12 Michael D. Mandell
13 Attorneys for Movant
14 U.S. Bank, N.A., as Trustee for
15 Lehman Brothers Small Balance
16 Commercial Mortgage Pass-
17 Through Certificates, Series 2007-3
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